

CITY-COUNTY GENERAL ORDINANCE NO. 20, 2021
Proposal No. 149, 2021

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 341 of the Code, adding a new Article III regarding waterway activities in and on the Downtown Canal.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 341 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding a new Article III, Downtown Canal, as follows:

ARTICLE III. – DOWNTOWN CANAL

Sec. 341-301. - Definitions.

As used in this article, the following terms shall have the meanings ascribed to them:

Downtown Canal shall mean that portion of the waterway known as the Central Canal located in downtown Indianapolis, south of 11th Street and east of West Street, and under the care, custody, control, and management of the City of Indianapolis Department of Metropolitan Development (DMD).

Watercraft shall mean any and every instrumentality or device in or by means of which any person(s) or property may be transported on or in the Downtown Canal including, but not limited to, boats, paddleboards, remote control boats, canoes, kayaks, inner tubes or other inflatable devices, motorboats, ice skates, jet skis, water skis, etc. whether propelled by human muscular power, by motor, or by any other means or method. The definition of Watercraft shall also include the definition set out in IC 14-8-2-202.5.

Sec. 341-302. - Unauthorized Activities In or On the Downtown Canal.

- (a) It shall be unlawful for any person, without authority from the city, to do the following:
- 1) To operate Watercraft within the Downtown Canal at any time;
 - 2) To fish, swim, bathe, wash, scuba dive, wade, dive, fish, or ice skate within the Downtown Canal;
 - 3) To send, drive, or ride any animal into the Downtown Canal;
 - 4) To litter or to throw, drop, place or deposit any object into the Downtown Canal or into the bottom thereof, on the surrounding ground or on any other surface adjoining canal. This includes, but is not limited to, any paper, plastic or glass bottles, broken glass, nails, tacks, wire, crockery, cans or any other sharp or cutting substances, chemicals or things dangerous or otherwise harmful or disruptive to the operation of the Downtown Canal or any of its infrastructure; or
 - 5) To place or cause to be placed in the Downtown Canal any post, pile, dam, masonry or structure, or dump therein anything whatever causing a material obstruction of such stream, waterway, or its pumping system.

(b) The first violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with chapter 103 of this Code. All second and subsequent violations in the calendar year are subject to the enforcement procedures and penalties provided in section 103-3 of this Code.

Sec. 341-303. - Authorized Activities In or On the Downtown Canal.

(a) Watercraft launching – When authorized by the Metropolitan Development Commission (the MDC), DMD or a designee may allow boats or other Watercraft in the Downtown Canal under the following conditions:

- 1) All Watercraft being launched shall be launched from the location designated.

- 2) DMD, on behalf of the MDC, is authorized to establish applications and launch fees for Watercraft entering and using the Downtown Canal.
- 3) No Watercraft shall be launched unless an application has been submitted and the launch fee, established by the MDC, has been paid.

(b) DMD, or its designee, may set aside certain times and places and designate the rules for swimming, wading, boating or otherwise entering the Downtown Canal.

(c) The MDC may authorize DMD to provide and allow pre-approved vendors and vendor activities on the Downtown Canal.

(d) DMD may establish rules and regulations pertaining to any other authorized activities or uses of the Downtown Canal.

Sec. 341-304. - Disclaimer of city liability.

Notice is hereby given to all persons, whether authorized by the city or not, who operate any kind of Watercraft upon the portion of the Downtown Canal within the jurisdiction of the city that all Watercraft shall be used and operated solely at the risk of the owner, operator or the persons therein, and that neither the city nor its Department of Metropolitan Development, Metropolitan Development Commission or any other board or city official assumes any responsibility or liability therefor. The city also hereby gives notice to all persons who may use the Downtown Canal that the city and its various boards and officials do not represent that any portion has sufficient depth and is otherwise safe for boating or other purposes, or that it is free and clear of obstructions upon or beneath the surface thereof.

SECTION 2. Section 103-52 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language underlined below, to read as follows:

Code Section	Subject Matter	Civil Penalty
<u>341-302</u>	<u>Unauthorized Activities In or Around the Downtown Canal – First violation in a twelve-month period</u>	<u>25.00</u>
<u>341-302</u>	<u>Unauthorized Activities In or Around the Downtown Canal – Second violation in a twelve-month period</u>	<u>50.00</u>

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect as of July 1, 2021, and after its passage by the Council and compliance with Indiana Code section 36-3-4-14.

ATTEST:

SaRita Hughes
Clerk, City-County Council

Vop Osili
President, City-County Council

SaRita Hughes
Clerk, City-County Council

Joseph H. Hogsett, Mayor

STATE OF INDIANA, MARION COUNTY)) SS:
CITY OF INDIANAPOLIS)

I, SaRita Hughes, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 149, 2021, a Proposal for a GENERAL ORDINANCE passed by the City-County Council on the 12th day of July, 2021, by a vote of 25 YEAS and 0 NAYS and was retitled General Ordinance No. 20, 2021, which was signed by the Mayor on the 10th day of July, 2021, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 16th day of July, 2021.

SaRita Hughes
Clerk, City-County Council

GENERAL ORDINANCE RECORD 2021

Indianapolis City - County Council
2020-2023
2020-2023

RCS# 198

7/12/2021 9:45 PM

Proposal: PROP21- 149

Ordinance: G.O. 20 (PASSED)

Sponsor: Osili

Action: Adopt

Committee: Metro. and Econ. Dev.

Yea: 25

Nay: 0

Abstain: 0

Not Voting: 0

Excused: 0

Yea - 25

Adamson
Annee
Bain
Barth
Boots
Brown
Carlino

Dilk
Evans-E
Evans-J
Graves
Gray
Hart

Jackson
Jones
Larrison
Lewis
Mascari
McCormick

Mowery
Oliver
Osili
Potts
Ray
Robinson

Nay - 0

Abstain - 0

Not Voting - 0

Excused - 0